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6 UNITED STATES DISTRICT COURT  
7 NORTHERN DISTRICT OF CALIFORNIA

8 ANDREW BOYD,

Case No. **CV 07-03595 JCS**

9 Plaintiff,

COMPLAINT FOR DAMAGES  
(Negligence)

10 v.

DEMAND FOR JURY TRIAL

11 LAWRENCE KAM,

12 Defendant.

13 \_\_\_\_\_ /  
14 **I. JURISDICTION**

15 1. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1332.

16 **II. VENUE**

17 2. Venue is in the United States District Court, Northern District of California, under  
18 28 U.S.C. § 1391(b) by reason of the fact that the claims of Plaintiff arose in this district.

19 **III. NATURE OF THE PROCEEDINGS**

20 3. This is an action for damages based upon the negligent operation of a motor vehicle  
21 by Defendant KAM which collided on July 14, 2005 into the rear of an automobile driven by  
22 Plaintiff BOYD.

23 4. Plaintiff seeks compensatory and special damages..

24 **IV. PARTIES**

25 5. At all times herein mentioned, Andrew BOYD was a citizen of the State of  
26 Massachusetts.

27 6. At all times herein mentioned, Defendant Lawrence KAM was a citizen of the State  
28

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1 of California.

2 **V. FACTS UPON WHICH CLAIM FOR RELIEF IS BASED**

3 7. On or about July 14, 2005, Plaintiff Andrew BOYD was driving his automobile on  
4 northbound I880 near milepost 880 ALA 13.67 in Union City, County of Alameda.

5 8. At that time and place, Defendant KAM was driving his automobile also northbound  
6 on I880, traveling behind Plaintiff's automobile.

7 9. Plaintiff alleges that Defendant was proceeding at 65 m.p.h. at a distance of  
8 approximately 20 feet behind Plaintiff. The traffic began to slow and eventually came to a stop.  
9 Plaintiff had been stopped for a brief period of time and was then struck in the rear by Defendant.

10 10. Plaintiff contends that Defendant operated his vehicle in such a negligent, careless,  
11 or reckless manner so as to cause it to collide into the rear of Plaintiff's automobile.

12 **VI. FIRST CAUSE OF ACTION**  
13 **[Negligence]**

14 11. Plaintiff incorporates each and every allegation as set forth above and repeats and  
15 repleads such allegations hereinafter with the same force and effect.

16 12. Defendant had a legal duty to Plaintiff not to pursue the course of conduct as alleged,  
17 *supra*.

18 13. Defendant, by pursuing the course of conduct as alleged *supra*, breached his legal  
19 duties to Plaintiff.

20 14. Defendant's conduct, as alleged herein, was a substantial factor in causing Plaintiff  
21 to sustain injury to his body, psyche, and nervous system, all of which have caused and continue to  
22 cause Plaintiff mental and physical pain and suffering all to his damage in a sum in excess of  
23 \$500,000, exclusive of interest and costs.

24 15. As a further substantial factor arising from the aforesaid conduct of Defendant,  
25 Plaintiff was compelled to and did employ the services of physicians, counselors, attendants,  
26 assistants and the like to care for and treat him and did incur hospital, medical, professional and  
27 incidental medical expenses for the same purpose.

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COMPLAINT FOR DAMAGES

